

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC. and
OTTOMOTTO LLC,

Defendants.

CASE NO. 3:17-cv-00939-WHA

**FIFTH JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO EXTEND
THE DEADLINE UNDER
PARAGRAPH 15 OF THE INTERIM
MODEL PROTECTIVE ORDER**
(as modified)

1 Pursuant to Civil Local Rules 6-1(b) and 6-2(a), and upon the accompanying declaration of
2 Meredith R. Dearborn, dated June 2, 2019 (“Dearborn Decl.”), Plaintiff Waymo LLC and
3 Defendants Uber Technologies, Inc. and Ottomotto LLC hereby stipulate and agree to the following
4 one-hundred-and-twenty-day extension, from June 6, 2019 until October 4, 2019, of the deadline
5 to comply with the requirements of Paragraph 15 of the Interim Model Protective Order:

6 1. On March 16, 2017, the Court ordered that the parties be bound by the Interim
7 Model Protective Order (the “Protective Order”), a true and correct copy of which is attached as
8 Exhibit A to the accompanying declaration of Meredith R. Dearborn. *See* Dearborn Decl. ¶ 3.

9 2. Paragraph 15 of the Protective Order provides that, “[w]ithin 60 days after the final
10 disposition of this action, as defined in paragraph 4, each Receiving Party must return all Protected
11 Material to the Producing Party or destroy such material,” and further requires each Receiving Party
12 to certify in writing by the 60-day deadline (1) that all of the material subject to the Protective Order
13 was returned or destroyed, and (2) that it has not retained copies, abstracts, compilations, or
14 summaries of material subject to the Protective Order. *See* Dearborn Decl., ¶ 4 and Ex. A.

15 3. The parties settled this lawsuit, and a final disposition was entered on February 9,
16 2018. *See* Dearborn Decl. ¶ 5.

17 4. Each Receiving Party, as defined by Paragraph 2.17 of the Protective Order, had
18 sixty days from that final disposition, until April 10, 2018, to comply with the requirements of
19 Paragraph 15. *See* Dearborn Decl. ¶ 5 and Ex. A.

20 5. On April 6, 2018, the parties filed a stipulation and proposed order extending the
21 deadline to comply with Paragraph 15 until June 11, 2018, citing the pendency of related matters
22 that impose document preservation obligations on the parties that conflict with Paragraph 15’s
23 requirements. *See* Dearborn Decl. ¶ 6. The parties further indicated that they “might hereafter
24 request additional time if those obligations have not been satisfied.” *Id.*

25 6. The Court approved the stipulation and signed the proposed order on April 9, 2018.
26 *See* Dearborn Decl. ¶ 7 and Ex. B.

1 7. On June 7, 2018, the parties filed a second stipulation and proposed order extending
2 the deadline to comply with Paragraph 15 for another 120 days, until October 9, 2018. *See*
3 Dearborn Decl. ¶ 8.

4 8. The Court approved the stipulation and entered the proposed order on June 11, 2018.
5 *See* Dearborn Decl. ¶ 8 and Ex. C.

6 9. On October 9, 2018, the parties filed a third stipulation and proposed order
7 extending the deadline to comply with Paragraph 15 for another 120 days, until February 6, 2019.
8 *See* Dearborn Decl. ¶ 8.

9 10. The Court approved the stipulation and entered the proposed order on October 9,
10 2018. *See* Dearborn Decl. ¶ 9 and Ex. D.

11 11. On February 4, 2019, the parties filed a fourth stipulation and proposed order
12 extending the deadline to comply with Paragraph 15 for another 120 days, until June 6, 2019. *See*
13 Dearborn Decl. ¶ 10 and Exhibit E.

14 12. The Court approved the stipulation and entered the proposed order on February 5,
15 2019. *See* Dearborn Decl. ¶ 10 and Exhibit E.

16 13. The parties agree that additional time is still needed to satisfy conflicting
17 preservation obligations, and that the parties may still hereafter request additional time if those
18 obligations have not been satisfied. *See* Dearborn Decl. ¶ 11.

19
20
21 **IT IS SO STIPULATED**

22
23 DATED: June 3, 2019

QUINN EMANUEL URQUHART & SULLIVAN LLP

24
25 By: /s/ David A. Perlson
26 David A. Perlson
27 Attorneys for Plaintiff WAYMO LLC
28

1 DATED: June 3, 2019

BOIES SCHILLER FLEXNER LLP

2
3 By: /s/ Meredith R. Dearborn

Meredith R. Dearborn

4 Attorneys for Defendants UBER TECHNOLOGIES,
5 INC. and OTTOMOTTO LLC

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8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

No more extensions will be granted.

9 DATED: June 10, 2019

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The Honorable William Alsup